

## R E M A R K S

### A. INTRODUCTION

Claims 1-25 are pending.

Claims 1-3, 5, 10, and 12, 13, and 15-25 are rejected (see discussion below).

Claims 4, 6-9, 11, and 14 are objected to (see discussion below).

Upon entry of this amendment:

- Claims 3-25 will be pending
- Claims 3 and 21-25 will be amended as suggested by the Examiner in the Telephone Interview
- Claims 1 and 2 will be cancelled.

Terminal disclaimers are filed concurrently with respect to each of U.S. Patent Nos. 6298331, 6598024, and 6397193, rendering the obviousness double patenting rejections moot.

### B. TELEPHONE INTERVIEW

We would like to thank the Examiner for the helpful telephone conversation held on July 25, 2006, with our representative.

The Examiner affirmed that none of the dependent claims (Claims 4, 6-9, 11, and 14) was addressed in the present Office Action or is rejected. The Examiner helpfully clarified that each of the dependent claims is objected to as being dependent upon a rejected base claim.

The Examiner and our representative discussed the rejection of Claims 3 and 21-25 under Section 101. Our representative and the Examiner do not agree on the propriety of the Section 101 rejections. We do not believe any amendments are necessary to render any claim patentable under Section 101. We are very grateful, however, for the Examiner's willingness to discuss the rejections and the helpful suggestions.

The Examiner agreed that as amended in this paper to provide for a "computer readable" medium, Claims 21-25 are allowable.

We have also amended Claim 3 to provide for *storing, on a storage device, an indication...* in accordance with the Examiner's suggestion that storing be on a medium. Again, although we do not agree with any of the Examiner's rejections under Section 101, and do not believe any such amendments are necessary for patentability, we are grateful for the Examiner's suggestions during the Telephone Interview as to how to expedite allowance of the pending claims.

The Examiner and our representative also discussed the double patenting rejection with respect to Claim 5. Our representative explained our view that it does not appear that a prima facie case of double patenting has been made for Claim 5. However, this issue now is rendered moot because we have concurrently filed a terminal disclaimer with respect to each of the recited patents.

### C. CLAIM AMENDMENTS

#### 1. Claims 1-2 have been canceled

Claims 1 and 2 have been canceled without prejudice. We submit that Claims 1 and 2 contain allowable and statutory subject matter, and that Claims 1 and 2 have been canceled solely in order to expedite issuance of the present application. We intend to pursue the subject matter of the canceled claims in one or more continuing applications.

#### 2. Claims 21-25

As agreed to by the Examiner, Claims 21-25 have been amended to recite a computer readable medium. We respectfully submit that Claims 21-25 contain allowable subject matter. We understand that the Examiner believes that the agreed-upon amendment limits the scope of those claims in such a way as to be considered statutory subject matter under Section 101. As noted above, we do not believe that these amendments are necessary to overcome the Section 101 rejection. We intend to pursue the original subject matter of Claims 21-25 in one or more continuing applications.

#### 3. Claim 3

As suggested by the Examiner, Claim 3 has been amended to recite that the step of storing an indication is on a storage device. We respectfully submit that Claim 3 contains allowable subject matter. We do not believe that this amendment is necessary to overcome the Section 101 rejection. We intend to pursue the original subject matter of Claim 3 in one or more continuing applications.

### D. DOUBLE PATENTING REJECTION

Each of Claims 5, 10, 12, 13, and 15-25 stands rejected on the grounds of nonstatutory double patenting as being unpatentable over specified claims of U.S. Patent Nos. 6598024, 6298331, and 6397193.

As discussed with the Examiner, we do not believe that a prima facie case of rejection was made with respect to any pending claim. While we do not necessarily agree with this rejection, the appropriate terminal disclaimers are filed concurrently with this paper solely to expedite the prosecution of the present

application. Accordingly, the double patenting rejection of Claims 5, 10, 12, 13, and 15-25 is moot.

**E. SECTION 101 REJECTION**

Claims **1-3 and 21-25** are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. [Office Action, pages 2-5]. We do not agree with any of these rejections.

However, Claims 1 and 2 have been cancelled without prejudice—their rejection is moot.

Claim 3 has been amended in a manner suggested by the Examiner such that the storing is on a storage device. The Specification provides support for this amendment at least where it describes “storage devices,” “memory,” and “aged inventory database.” See, e.g., page 6, lines 17-2; page 8, line 24 to page 9, line 2; page 9, lines 13-28. We submit that Claim is allowable.

Claims 21-25 have been amended in a manner that the Examiner indicated would make those claims allowable: each now claims a computer readable medium.

We respectfully request withdrawal of the rejections of pending Claims 3 and 21-25.

**F. PETITION FOR EXTENSION OF TIME TO RESPOND & AUTHORIZATION TO CHARGE APPROPRIATE FEES**

We understand that a two-month extension of time to respond to the Office Action is necessary. Please grant a petition for any extension of time required to make this Response timely.

Charge: \$450.00

Deposit Account: 50-0271

Order No.: 01-015

Please charge any appropriate fees set forth in §§ 1.16 – 1.18 for this paper and for any accompanying papers to Deposit Account 50-0271. Please credit any overpayment to the same account.

**G. CONCLUSION**

It is submitted that all of the claims are in condition for allowance. The Examiner's early re-examination and reconsideration are respectfully requested.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@walkerdigital.com.

Respectfully submitted,

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Date

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